

MINUTES OF BENTON COUNTY QUORUM COURT

February 27, 2014

A regular meeting of the Benton County Quorum Court was held on Thursday, February 27, 2014 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Deputy Clerk Janet Reaves called roll as follows:

14 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Justice of the Peace Steve Curry led the prayer.

CHANGES TO THE AGENDA:

None

MINUTES:

JP J. Harrison made motion to approve the minutes of the January 23, 2014 Quorum Court Meeting as distributed, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

Minutes approved.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that: 1) the Courthouse Feasibility study will be discussed in a joint meeting of the County Judge and Downtown Bentonville, Inc.; 2) renovations at the Benton County Rogers Office Building (BCOR) are complete and it is scheduled to open March 3, 2014; 3) the FEMA inspection is complete for the road and bridge damage from the August flood, and that repairs are scheduled to be completed by January of 2015; 4) the Information Systems Director position has been filled by Eddie Mahar; 5) the February County Property Disposal Report is complete; 6) the Fisher Ford Bridge and Colonel Meyers Bridge is under construction; 6) Windmill Road construction has begun as a joint venture with Bentonville and Benton County.

COMMITTEE REPORTS:

JP Allen reported that sales tax revenue is down for the month of December, and that Jail Collections for January were down. He stated that a Legislative Committee meeting will be called within the next couple of months to prepare for the next State Legislative Session.

PUBLIC COMMENTS:

Gary Frantz of Pea Ridge thanked the justices of the peace for their hard work and efforts informing the county residents about the Emergency Medical Services (EMS) for the county. He suggested that the county residents might agree on a millage increase on their property tax that could establish a fund for ambulance services for the county.

Brenda Hutchinson of Rogers expressed her concerns for Emergency Medical Services (EMS).

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Sandlin.

There being no discussion a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

OLD BUSINESS:

- (A) Third and Final Reading of a Proposed Ordinance Adopting a New Planning Code by Reference: Sponsor: JP Tom Allen.

County Attorney George Spence read the proposed ordinance by title only.

JP Allen stated this is a clean-up ordinance and makes the document much easier for the public to read and understand, and made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

Ordinance duly adopted and assigned **O-2014-06**

- (B) Third and Final Reading a Proposed Ordinance Adopting a Revised Fee Schedule for Planning Review, and Exempting Agricultural Land Use From Planning Review and Fees; Sponsor: JP Tom Allen.

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

Ordinance duly adopted and assigned **O-2014-07**

NEW BUSINESS:

- (A) Proposed Resolution Confirming the County Judge's Appointment of Craig W. Tanner to the Benton County Historical Preservation Commission; Sponsor: JP Patrick Carr.

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

County Judge Bob Clinard administered the Official Oath of Office to Craig W. Tanner, swearing him in as a member of the Benton County Historical Preservation Commission.

Resolution duly adopted and assigned **R-2014-04**.

- (B) Proposed Resolution a Confirming the County Judge's Re-Appointment James Cole to the Benton County Planning Board; Sponsor: JP Tom Allen.

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent:	Carr

Resolution duly adopted and assigned **R-2014-05**.

County Judge Bob Clinard administered the Official Oath of Office to James Cole, swearing him in as a member of the Benton County Planning Board.

- (C) Proposed Resolution Setting the Pay for the Elected County Official Coroner's Position, Beginning January 1, 2015; Sponsor: JP Kurt Moore.

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent:	Carr

Resolution duly adopted and assigned **R-2014-06**.

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Departmental Maintenance, Fund 1000; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Chiocco.

JP Jones made a proposal to pay for the fire alarm system for the County Administration Building out of the County Judge's existing budget.

Discussion was held on amending the motion to pay for the fire alarm system out of the County Judge's budget.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent:	Carr

Appropriation ordinance duly adopted and assigned **O-2014-08**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies And Authorizing Additional Expenditures in Department 0108, Non-Departmental Maintenance, Fund 1000; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Curry.

Comptroller Sarah Daniels stated that the County Clerk at her discretion has agreed to transfer \$20,000 to the General Fund to cover the moving expenditures for a file cabinet. She stated an appropriation ordinance to budget for the transfer out of the County Clerk Cost Fund will be presented at the March 4, 2014 Finance Committee meeting.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

Appropriation ordinance duly adopted and assigned **O-2014-09**.

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Departmental Maintenance, Fund 4000; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moore made motion to adopt, seconded by JP Sandlin.

Sarah Daniels stated that the Assessor, Collector and the Historical Commission has agreed to cover costs for the renovations of the BCOR Building, and that cuts the costs down from the original appropriation request of \$138,900 to \$95,000 a \$43,000 reduction.

JP Allen made motion to amend the proposed appropriation ordinance to reduce the costs from \$138,900 to \$95,000 as reflected, seconded by JP Sandlin

JP McKenzie stated that he could not be in favor of changing the proposed appropriation ordinance.

JP Sandlin called the question on the motion to amend,

Motion to amend passed by unanimous voice vote.

There being no further discussion, a roll call vote was recorded as follows:

13 Yeas: Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Nay: McKenzie
1 Absent: Carr

Appropriation Ordinance duly adopted and assigned **O-2014-10**.

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Authorizing a Transfer of Fund Between Categories and Line Items in Department 0416, Prosecuting Attorney, Fund 1000, Department 0418, Jail Operations and Maintenance, Fund 3017; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

Appropriation Ordinance duly adopted and assigned **O-2014-11**.

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Department 0405, Circuit Court Div VI, Fund 1000; Sponsor: JP Jay Harrison.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

Appropriation Ordinance duly adopted and assigned **O-2014-12**.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Amending *Schedule 1 – Revenues by Fund* in the 2014 Benton County Budget by Authorizing a Transfer of Funds Between Categories and Line Items; Department 0000, Revenue, Various Funds; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

Appropriation Ordinance duly adopted and assigned **O-2014-13**.

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Amend *Schedule 4 - Personnel and Compensation* Authorization by Adding Position and Deleting Positions, Changing Grades of Certain Positions, and Changing Job Titles of Certain Positions in Various Funds and Departments; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Chiocco.

JP Jones made motion to amend the proposed appropriation ordinance (Item J) to strike Article 2, that the per diem compensation for Justices of the Peace shall be \$175 per each Quorum Court meeting attended and \$175 per each Committee of the Whole meeting attended, and \$100 per each sub-committee meeting from the proposed appropriation ordinance, seconded by JP Chiocco.

Motion passed by voice vote.

- (J2) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Amend *Schedule 4 - Personnel and Compensation* Authorization by Adding Position and Deleting Positions, Changing Grades of Certain Positions, and Changing Job Titles of Certain Positions in Various Funds and Departments;
Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed appropriation ordinance by title only. He stated that this proposed appropriate ordinance (Item J2) has been amended and that Article 2 with the per-diem compensation part has been taken out of the ordinance.

JP Jones made motion to adopt the proposed appropriation ordinance, Item J2 as amended, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 Absent: Carr

Appropriation Ordinance duly adopted and assigned **O-2014-15**.

- (J2b) Proposed Ordinance to Set the Per Diem Compensation for the Justices of the Peace Attending Meetings of the Quorum Court; Sponsor: JP Joel Jones.

County Attorney George Spence read the proposed ordinance by title only. He stated that this proposed ordinance sets the per diem compensation for Justices of the Peace attending meetings of the Quorum Court.

JP Jones made motion to approve, seconded by JP Allen.

JP Jones stated that they are not increasing the pay for the Quorum Court members, as per state law they cannot pay the Quorum Court members on monthly basis that they are to be paid on a Per Diem basis.

There being no discussion, a roll call vote was recorded as follow:

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers,
Moehring
1 Absent: Carr

First reading passed.

- (K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-73 to Add an Additional Voluntary Tax Levy to the 2013 Ad Valor Tax Bills for Collection in the Year 2014 for Benton County;
Sponsor: JP Kurt Moore.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moore made motion that the proposed appropriation ordinance be read in its entirety, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

County Attorney George Spence read the proposed appropriation ordinance in its entirety.

JP Moore made motion to adopt, seconded by JP Sandlin.

JP Meyers stated that he was against the appropriation ordinance because it is a form of a tax, and that he could not vote because it is a voluntary tax.

Discussion was held to add a voluntary tax for Emergency Medical Services (EMS) to the 2013 Ad Valor Tax bills.

JP Moehring expressed his concerns of the voluntary tax and that he would vote against the voluntary tax.

Further discussion was held on adding a voluntary tax on the 2013 Ad Valor Tax bills.

There being no discussion, a roll call vote was recorded as follows:

12 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore
2 Nays:	Meyers, Moehring
1 Absent:	Carr

Appropriation Ordinance duly adopted and assigned **O-2014-14**.

- (L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Reduce the Transfer From County General Fund 1000, to County Road, Fund 2000, by \$450,000; to Increase the Transfer from County General, Fund 1000, to Emergency Medical Services (EMS), Fund 3021, by \$450,000; to Amend *Schedule 1 – Revenues by Fund* to Reflect said Transfers; and to Appropriate Additional Monies and Authorize Additional Expenditures in Emergency Medical Services (EMS) Fund 3021; Sponsor: JP Tom Allen.

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that as a result of the election and the referendum failing, we as a Quorum Court felt that we made a deal with the providers to pay them, so we are going to pay \$942,000 this year to the cities and NEBCO for Emergency Medical Services (EMS). He stated that \$236,000 has been budgeted out of reserves to pay for ambulance service up to April 1, 2014, and that after April we do not have funding. He stated therefore at the Special Finance Committee meetings, that they discussed cutting the asphalt budget, propose a personnel hiring freeze, and add a voluntary tax to the 2014 tax bill

He stated that we felt that since the county had increased funding in the Road Departments budget for asphalt from \$1.5 million to \$2.65 million. He added that based on the numbers received from the State of Arkansas for the half-cent sales tax that the county will receive approximately \$1.2 million. He stated our intent is not to make anyone suffer as a result of the election, or any actions of the court or the county. He stated the Finance Committee voted last week to cut the Road Departments asphalt budget \$450,000 and use the money to pay for part of the cost of rural ambulance service through the end of the year. He stated if the Road Department spends the remaining \$2.2 million for asphalt to come back and talk to the Finance Committee.

JP Allen made motion to adopt, seconded by JP Jones

County Judge Bob Clinard stated that he was under the impression that they could delay the entire payment until further into the year. He stated that the contracts that are being considered by the providers has a quarterly requirement, and that would delay the payments. He stated that the county has never done \$2.6 million of asphalt work in a year, with \$2.2 million of work being about the most that has been done. Lengthy discussion was held on reducing the Road Department asphalt budget \$450,000 to pay for part of the cost for rural ambulance service.

Administrator of Public Services Terry Nalley reported the number of miles that was in the 2014 Road Plan, and stated that with the \$2.2 million they will asphalt approximately twenty-two miles

Further lengthy discussion was held the projected costs to repair county roads and cutting the Road Departments asphalt budget \$450,000 to pay for part of the cost of rural ambulance Service through the end of the year.

JP Sandlin called the question.

JP McKenzie stated our job is to find the money to support what we have to do. It stated it is not an easy decision but we have to make a decision.

There being no further discussion, a roll call vote was recorded as follows:

13 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Moehring
1 Nay:	Meyers
1 Absent:	Carr

Appropriation Ordinance duly adopted and assigned **O-2014-16**.

JP Allen stated that this is to get us through this year, but there will be a lot of discussion funding EMS for next year.

JP Moehring stated that Spring Break is during the week of the regular Quorum Court meeting and made motion to move the March 27, 2014 Quorum Court meeting to March 20, 2014 at 6:00 p.m., seconded by JP Jones,

Motion passed by unanimous voice vote.

Discussion was held on when to hold a meeting of the Public Safety Committee or combining it with the Committee of the Whole combined.

Other Business:

None

Announcements:

County Judge Bob Clinard announced that the Intergovernmental Council will meet Tuesday, March 04, 2014 at 10:00 a.m.

JP Allen announced that a Finance Committee meeting will be held Tuesday, March 04, 2014 at 6:00 p.m.

Adjournment:

There being no further business to come before the court, upon motion and second the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

